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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/786,566	03/07/2001	Yeong Kuang Oon	208778	3733
23460	7590	01/04/2006	EXAMINER	
LEYDIG VOIT & MAYER, LTD TWO PRUDENTIAL PLAZA, SUITE 4900 180 NORTH STETSON AVENUE CHICAGO, IL 60601-6780			BUI, KIM T	
			ART UNIT	PAPER NUMBER
			3626	

DATE MAILED: 01/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/786,566

Applicant(s)

OON, YEONG KUANG

Examiner

Kim T. Bui

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 28-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 28-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

.DETAILED ACTION

Notice to Applicant

1. This communication is in response to the amendment filed 10/05/2005. Claims 28-37 are pending. Claims 1-27 are cancelled.

Claim Rejections - 35 USC § 101

2. The rejection of claims 1,2,4-27 under 35 USC § 101 is hereby withdrawn in response to the amendment filed 10/05/2005.

Claim Rejections - 35 USC § 112

3. The rejection of claims 1-27 under 35 USC § 112, second paragraph, is hereby withdrawn in response to the amendment filed 10/05/2005.

Drawings

4. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the medical record management system, the medical record and its associated structures, the administrator system with data receiver, data store, query module and preemptive report generator, computer, computer networks must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended". If a drawing figure

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is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

4. The disclosure is objected to because of the following informalities: the disclosure on pages 59-65 refer to Tables 1-3. The tables are not in proper format.

Page 66 of the specification describes Figs 1 and 2. However, there is no description of Figure 3.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 28-37 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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(A) As per claim 28, "the group of patient presentation data, patient test results data, patient diagnosis data, and medication data" on lines 14-15 lacks clear antecedent basis.

(B) As per claim 33, "the group of patient presentation data, patient test results data, patient diagnosis data, and medication data" on line 12 lacks clear antecedent basis.

(C) Dependent claims 29-32 and 34-37 incorporate the deficiencies of the claims they depend on and are therefore rejected.

7. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

8. Claims 28-37 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Pages 17-19, 24-25 mentions the pre-emptive actions, the reminder, the system of recall. However, the specification as provided fails to adequately describe "a pre-emptive report generator in operative interconnection with the data store configured to interrogate the medical records in accordance with prescribed instructions to initiate report generation and execution of said embedded commands in accordance with preselected criteria" recited in claims 1, 32, 33, 37.

Claim Rejections - 35 USC §103

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9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 28-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson et al. (WO 96/41275) in view of the prior art admitted by the Applicant and Oon (WO 97/48059) and Friedman (6182029).

(A) As per claim 28, Johnson discloses a medical record management system comprising:

a. an administrator system having:

(i) data receiver for accepting medical records. Johnson, the abstract, page 4, lines 1-3.

(ii) a data store for storing the received medical records. Johnson, the abstract, page 4, lines 8-9.

(iii) a query module for receiving query from predefined source (i.e. client) having assigned access right and to transmit relevant record data back to the source. Johnson, the abstract, page 4, lines 9-10, page 10, lines 6-8, page 11, lines 10-17, page 28, line 23 to page 29, line 7.

Johnson fails to teach the medical record encoded in medical scripting language, the records stored on the basis of patient data categorized into event categories selected from the group of patient presentation data, patient test results data, patient diagnosis and medication data.

This, however, is well known as admitted by the Applicant on page 10, lines 22-25 and page 14, lines 16-21, of the specification.

On page 10, lines 22-25 of the specification, Applicant admitted that the medical scripting language defined by Extended Backus Naur Format is well known as described in Programming in Modula-2 by Niklaus Wirth, Springer Verlag 1982 and Smalltalk V, Digitalk corporation 1992.

On page 14, lines 16-21, applicant admitted that the use of medical scripting language to encode patient record is known as described in PCT/AU97/00362, published December 18 1997 under publication number WO 97/48059 (Oon) which discloses the medical scripting language and the records stored on the basis of the event categories Plum where P stand for presentation, I for link (i.e., test data), u for utility (i.e., diagnosis) and m for management (i.e., drug treatment or medication data). See Oon, page 14, lines 3-12, page 15, lines 10-26, Figs 1-3, 12.

It would have been obvious to one having ordinary skill in the art at the time of the invention to include medical scripting language and event categories admitted by the Applicant and disclosed in WO 97/48059 with the motivation facilitating the querying and managing of medical records. Oons, page 15, lines 10-15.

As per the "a pre-emptive report generator in operative interconnection with the data store configured to interrogate the medical records in accordance with prescribed instructions to initiate report generation and execution of said embedded commands in accordance with preselected criteria". It is unclear that this limitation is disclosed in Johnson and Oon. This, however, is well known as evidenced by Friedman. Friedman

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teaches a medical language processing system including parser for parsing (i.e., interrogate) medical records according to grammar and lexicon (i.e., prescribed instructions) to form a structured output and tagged report (i.e. report generator). See Friedman, Fig. 3, 9, col. 5, lines 9-20, col. 14, lines 55-65.

It would have been obvious to one having ordinary skill in the art at the time of the invention to include report generator with the motivation of providing structured output data for variety of applications. Friedman, col. 4, lines 40-43.

(B) As per claim 33, the claim recites the method corresponding to the system of claim 28 and is rejected for the same reasons given in the rejection of claim 28.

(C) As per claims 29, 34, Johnson discloses computer and network on page 9, line 1-10.

(D) As per claims 30, 35, ASCII format is disclosed by Oon on page 32, lines 23-24.

(E) As per claims 31,36, it is within a level of an artisan to select data elements and data types of fields in a record. Johnson discloses data fields of record on page 26, lines 18-25, Oon teaches event status field, handwritten text (i.e, signature, comments) on page 32, lines 10-28.

(F) As per claims 32, 37, Oon discloses the date tracking function for various application such as recalling or reminding. Oon, page 3, lines 20-26.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. "System of improved recording of medical transaction" (US 2004/0249667); "System for encoding patient data" (US2003/0073887).

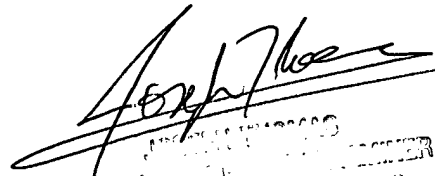
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12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kim T. Bui whose telephone number is 571-272-6768. The examiner can normally be reached on Monday-Friday from 8:30A.M. to 5:00P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on 571-272-6776. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


KTB
12/15/05


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